

Agricultural Marketing Service  
Office of the Deputy Administrator for Marketing Programs  
Fruit and Vegetable Programs  
P ACA Branch  
Regional Office  
GS-1146-7 (Dispute Resolution Specialist)  
Fruit & Vegetable Marketing Specialist (Regulatory)

**Standard Job FV47**

**I. INTRODUCTION**

The P ACA Branch administers the Perishable Agricultural Commodities Act (PACA), which prohibits unfair trade practices in the marketing of fresh and frozen fruits and vegetables in interstate or foreign commerce, and the Produce Agency Act (PAA), which prohibits the unlawful destruction of perishable farm products. The position is located in a regional office of the Branch.

The incumbent, a Fruit and Vegetable Marketing Specialist, has the responsibility for handling informal reparation complaints of limited scope and complexity, handling all formal reparation complaints and accompanying reports of investigation. The incumbent also assures the complaints are complete and meet legal sufficiency, serves formal documents on parties and reviews parties' answers to determine if oral hearing and/or counterclaim is requested. After formal procedures have been followed, the incumbent drafts default orders and/or forwards the case file to the Headquarters' office for subsequent referral of the file to the Office of General Counsel.

**II. DUTIES AND RESPONSIBILITIES**

Handles routine contractual disputes involved in reparation complaints of limited scope and complexity, through correspondence and phone contact. Uses knowledge of mediation techniques to assist parties involved in contract disputes to reach settlement. Provides counseling service and advice on fair trade practices to industry members.

Advises trade members involved in disputes of their rights and responsibilities under the PACA.

On all but the most complex cases as determined by the supervisor, attempts informal resolution of complaints with involved parties at all stages of the informal/formal reparation process including mediation when appropriate. If unable to effect an informal settlement, incumbent is able to offer an informal opinion in writing.

Receives and reviews complaints not resolved in the informal stage to determine whether the requirements for processing in the formal stage have been met. Based on a thorough knowledge of the statutory provisions of the PACA as it relates to the filing of informal and formal complaints assures that: the correct legal parties are listed; the commodities involved are subject to the Act; the statute of limitations on the alleged violations has not expired; all supporting documents as exhibits relating to the transaction are included; interstate or foreign movement of product is properly supported; damage claims are supported by invoices, bills of lading, or other

pertinent documents showing how damages were calculated; damages are mathematically correct; and, that the complaint is properly notarized, signed and dated. Formal complaints require an in-depth review of all documentation and differ as to the type of transaction(s) involved. Some formal complaints are based on no-pay situations while other complex complaints involve damages based on accountings, market news reports and market decline. The incumbent must be familiar with all types of transactions in order to properly review the formal documents and establish formal complaints.

Assures formal reparation complaints are complete and meet legal sufficiency. Serves on the appropriate parties copies of all complaints, answers and other filings received in the Regional Office during the processing of documentary procedure and oral hearing cases. Reviews documents filed in formal cases to determine the next step in the process as required by the applicable Rules of Practice. Forwards each case file to the Headquarters' office for subsequent referral of the case file to the Office of the General Counsel.

Compiles and summarizes significant information in organized format and briefs Specialists. Provides training and guidance to program assistants and entry level marketing specialists who serve as their back ups. Contacts the industry as to the activities of violators in the area and updates the Branch database with the information. Updates firms in the Branch database, in which employment sanctions and re-licensing have changed or expired.

Adheres to Equal Employment and Civil Rights policies, goals and objectives in performing the duties of this position. Assures that written and oral communications are bias-free and that differences of other employees and clients are respected and valued.

### **III. JOB CONTROLS**

#### **A. Responsibility for the Work of Others:**

None

#### **B. Supervision and Guidance Received:**

The incumbent receives written and verbal instructions from regional director and additional instructions through handbooks and memoranda. Also, reviews formal decisions of the Secretary and precedents established under the Acts. The employee works independently in carrying out regular and recurring assignments; but, advice and guidance are provided on new or unusual situations/assignments. Incumbent's work is reviewed for completeness, appropriateness, accuracy and conformance to Branch, Program area and Agency regulations.

Guidelines consist of enabling statutes as well as a variety of Branch, Division, and Agency regulations, policies and procedures. Guidelines also include USDA and court precedent decisions involving contracts, agency, and fair trade practice, as well as bankruptcy laws and various State laws. The incumbent interprets and applies the guidelines to a variety of different situations. The employee adapts the guidelines to specific cases and one-of-a-kind situations.

New interpretations and adaptations are discussed with the supervisor or higher graded marketing specialist prior to application.